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July 20, 2020

VIA ECF

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

RE: *Murphy v. Fogo De Chao 53rd Street, New York LLC*
Index No.: 19-cv-10320 (PAE) (OTW)

Dear Judge Engelmayer:

The Parties jointly write to request that the Court reset the deadlines currently scheduled for today *nunc pro tunc*, and stay the proceedings of the above-referenced case pending the Second Circuit Court of Appeal's decision in the substantially similar cases *Dominguez v. Banana Republic, LLC*, 20-1559 and *Murphy v. Kohl's Corp.*, 20-1608. Given the fact that the Second Circuit is set to decide *Dominguez* and *Murphy* in the near future, and as the Second Circuit's decision may be dispositive of the issues pending before the Court in the present lawsuit, the Parties jointly request this Court to stay this matter pending the outcome of the appellate court decision in order to avoid unnecessary briefing by the Court or the Parties at this time.

We thank your Honor for your consideration of this request.


7/21/2020

Respectfully submitted,
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

Granted. The Court stays this litigation pending the Second Circuit's decision in the above-referenced appeals. The Court administratively terminates defendant's motion to dismiss, Dkt. 32, without prejudice to refile following the Circuit's decision. The parties are directed to file a joint status update every 90 days and within 7 days of a decision by the Circuit.

SO ORDERED.

By: /s/ Erik D. Mass
Erik D. Mass


PAUL A. ENGELMAYER
United States District Judge